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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,440	10/19/2001	Royal O'Brien	2033267-0009	1070

7590

04/19/2004

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,440

Applicant(s)

O'BRIEN, ROYAL

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. As per Applicant's instruction in Paper 7 as filed on 1/16/04, claims 1 and 11 have been amended, and claims 3 and 13 have been canceled.

Response to Remarks

2. Applicant's arguments with respect to the amended claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresalier et al (5,513,181) in view of Yamada et al (6,469,745 B1).

Regarding claims 1 and 11, Bresalier et al discloses a system/method of transcoding video data stream, the transcoding system/method comprising:
means for decoding the input video data stream (col. 1, lines 15-24)
means for intra-transcoding the decoded video stream (col. 1, lines 15-24);
means for encoding the intra-transcoded video stream (col. 4, line 52-55); and
means for post-encoding the encoded intra-transcoded video stream (col. 4, line 52-58).

Bresalier et al fails to disclose means for detecting and removing video data representative of black bands in the input video stream.

However, Yamada et al teaches an image processor comprising means for detecting and removing video data representative of black bands in the input video stream (Fig. 8; col. 11, lines 11-17).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a system/method of transcoding video data stream as taught by Bresalier et al to incorporate the conventional concept of detecting and removing video data representative of black bands in the input video stream as taught by Yamada et al for the purpose of enhancing the displayed image on the TV display monitor by avoiding the black band parts.

Regarding claims 2 and 12, Bresalier et al fails to disclose deinterlacing the video stream. However, the Examiner takes official notice that deinterlacing the video stream is well known in the art.

Therefore, it would have been considered obvious to a person of skill in the art to deinterlace video stream for producing different component (progressive) signals.

Regarding claims 4 and 14, Bresalier et al discloses means for removing the compression errors from the decoded video data stream (col. 1, line 24).

Regarding claims 5 and 15, Bresalier et al discloses means for synchronizing the video stream (col. 1, lines 27-32).

Regarding claims 6-10 and 16-20, Bresalier et al fails to disclose encoding profile. However, the Examiner takes official notice that encoding profile is well known in the art.

Therefore, it would have been considered obvious to a person of skill in the art to perform encoding profile such as bit rate or frame size or setting a key frame or setting a quality (finer quantization) so as to achieve desired output video data stream.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Plantholt (5,517,252), Device for reproducing picture signals in letter-box format.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner

SSA

Primary Patent Examiner

4/15/04